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In re application of
Matthew R. Hyre et al.
Serial No. 10/005,567
Filed: December 05, 2001
For: GLASS CONTAINER FORMING MACHINE

DECISION ON
PETITION

This is a response to the PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 C.F.R. § 1.181, filed January 07, 2005. The petition requests that the abandonment, as set forth in the Notice of Abandonment of, December 16, 2004 for failure to timely file a proper reply to the Office letter mailed April 21, 2004 be withdrawn since the applicants did timely file a proper reply on August 28, 2004. (Copies of the papers filed August 28, 2004 are attached to the instant petition as well as a copy of the USPTO date stamped postcard receipt.)

DECISION

The instant request has been accepted as a petition to withdraw the holding of abandonment under the provisions of 37 CFR 1.181 (no fee) - no abandonment-in-fact. A review of the evidence presented reveals that applicant's reply was properly filed on August 28, 2004 as evidenced by the USPTO date stamped return receipt postcard indicating receipt of the reply at the USPTO on August 28, 2004. Accordingly, any holding of abandonment for failure to timely file a proper reply to the Office letter mailed April 21, 2004 is hereby vacated, and the application is returned to pending status.

The application shall be forwarded to the examiner for entry, processing and consideration of the reply originally filed August 28, 2004.

The Petition is **GRANTED**.

Jacqueline Stone, Director
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